

REMARKS

Applicant will address each of the Examiner's objections and rejections in the order in which they appear in the Final Rejection.

Drawings

In the Final Rejection, the Examiner objects to the drawings as not showing the claimed female luer lock. Accordingly, Applicant is adding Fig. 3 to show such a female luer lock and is amending the specification to refer to this figure. As this female luer lock is clearly referred to in the specification and claims as filed, no new matter is being added. Accordingly, it is respectfully requested that this amendment be entered and the objection withdrawn.

Claim Rejections - 35 USC §103

The Examiner also has the following rejections under 35 USC §103(a):

- A. Claims 12-15 and 25-28 are rejected as being unpatentable over Gianturco (US 4,445,896) in view of Aalto et al. (US 4,597,758).
- B. Claims 16, 9 and 10 are rejected as being unpatentable over Gianturco and Aalto in view of Doyle (US 6,290,206).

Each of these rejections is respectfully traversed.

While Applicant traverses this rejection, in order to advance prosecution of this application, Applicants has amended independent Claim 12 to better claim the present invention.

In particular, Applicant has amended independent Claim 12 to recite that there are three distinct and separate regions in the claimed cap and that the second region (including the fluid storage chamber) is located in the middle region of the cap and is separate and distinct from the first region (including the elastomeric cap) and the third region (including the fluid permeable filter). As

explained in the specification, the structure and design of the claimed cap overcomes the shortcomings in prior devices.

In contrast, Gianturco discloses a septum 17 (which the Examiner contends is a plug located at the first end), a compression chamber 18 (which the Examiner contends is a fluid chamber located in the middle of the cap), and a filter (which the Examiner contends is in a third region but the Examiner does not identify such filter). However, septum 17 is in compression chamber 18 in Gianturco and is not separate and distinct from the compression chamber. Nor is septum 17 adjacent to said compression chamber as it is in the compression chamber (see Fig. 1 in Gianturco where reference numerals 17 and 18 are pointing to the same area). Further, no filter is shown in a third region separate and distinct from the compression chamber.

The other references also fail to disclose or suggest these claimed features. Accordingly, independent Claim 12 and those claims dependent thereon are patentable over the cited references.

Therefore, it is respectfully requested that these rejections be withdrawn.

CONCLUSION

For at least the above-stated reasons, the present application is now in an allowable condition and should be allowed.

Please charge our deposit account 50/1039 for any further fee for this amendment and the RCE.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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